



UNDERSTANDING LABOR RELATIONS OBLIGATIONS FOR MANAGERS AND SUPERVISORS

LABOR AND EMPLOYEE RELATIONS DIVISION

PRESENTED BY:

Tom Stevens and Pete Heins

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Introduction

- Who we are
- Where we work
- What we do
- Why you are here
 - National Defense Authorization Act for FY 2010

Expectations

- *Learning objectives*
 - Identify the legal basis for labor relations
 - Identify and explain the Federal labor relations administrative bodies
 - Understand the role of CPMS
 - Identify and understand management rights
 - Identify and understand employee rights
 - Identify and understand union rights
 - Identify and explain change situations

Expectations

- *Learning objectives*
 - Understand and explain the duty to bargain
 - Understand and explain the scope of bargaining
 - Understand and discuss contract administration

Agenda

- *Unit I*
 - The Federal Labor-Management Relations Statute
 - The Federal Labor Relations Authority
 - The Rights of the Parties Under the Statute
- *Unit II*
 - Collective Bargaining Under the Statute
 - Practical Examples and Discussion
 - Closing Thoughts

The Federal Labor-Management Relations Statute

- Brief History of Federal Sector Labor Relations
 - 1962-1978: The Era of Executive Orders
 - 1978: Civil Service Reform II
 - *Reorganization Plan No. 2*
 - *The Civil Service Reform Act*
 - *Most Comprehensive Reform since Pendleton Act of 1883*
 - 1993: Clinton-Era and E.O. 12871
 - 2001: Bush-Era and E.O. 13203
 - Today: A New Era of Labor Relations – President Obama's E.O. 13522

The Federal Labor-Management Relations Statute

- Title 5, U.S. Code, Chapter 71
 - “The Statute”
- Purposes of the Statute
 - “Congress finds...”
 - *Labor organizations and collective bargaining are in the public interest*
 - Protects the right of employees
 - *To organize*
 - *To bargain collectively*
 - *Participate through labor organizations of their choosing*

The Federal Labor Relations Administrative Organizations

- The Federal Labor Relations Authority (FLRA)
- The Office of General Counsel - FLRA
- Federal Services Impasses Panel (FSIP)
- Federal Mediation and Conciliation Service (FMCS)*
 - Integral agency in Federal sector LR
 - Not a component of the Authority
- The Federal Courts

The Federal Labor Relations Authority

- Appointed by the President
- Review Decisions of Administrative Law Judges
 - Unfair Labor Practices (ULP)
 - Exceptions (appeals) filed
- Decide Appeals from Regional Director Decisions
 - Representation Cases
- Rule on Exceptions to Arbitration Awards
- Resolve Negotiability Disputes

The Office of General Counsel - FLRA

- Appointed by the President
- Seven Regional Offices
- Mission:
 - Investigate ULP charges and Representation Petitions
 - Prosecute ULP complaints
 - Conduct Elections
 - Provide Statutory Training

The Federal Services Impasses Panel

- Resolves bargaining impasses
 - Agency and union
 - Voluntary efforts fail to resolve impasse
 - Involvement of FMCS*
- Jurisdiction

The Federal Mediation and Conciliation Service

- Pre-dates the Civil Service Reform Act
- Not part of the Authority
- Voluntary involvement in bargaining impasses
 - Parties may incorporate mandatory involvement through collective bargaining
- Provides training
- No cost option

The Rights of the Parties Under the Statute

- Employees: §7102
- Management: §7106
- Union: §7114

Employee Rights: 5 USC §7102

- Form, join, assist freely without fear of penalty or reprisal
- Not form, join, or assist without fear of penalty or reprisal
- Act on behalf of a union as a representative
- Engage in collective bargaining
 - Conditions of employment
 - Organization selected by employees

Management Rights: 5 USC §7106

- Core Rights*
 - Determine
 - Mission, budget, organization, number of employees, internal security practices
- Operational Rights*
 - In accordance with applicable law
 - Hire, assign, direct, layoff, retain employees in agency; or,
 - Suspend, remove, reduce in grade/pay, take disciplinary action
 - Assign work, make determination regarding contracting out, determine personnel for agency operations
 - Make selections to fill positions from certificates or other appropriate source
 - Take action to carry out agency mission during emergencies
- Core and Operational Rights Affected by Law
 - Three exceptions
 - Permissive subjects “at the election of the agency...”
 - Procedures followed in carrying out core, operational, permissive topics
 - Appropriate arrangements for employees adversely affected

Union Rights: 5 USC §7114

- Act for and negotiate on behalf of all employees in the unit
- Opportunity to be represented at meetings
 - Formal discussions
 - Examinations of employees
- Recognized as the “exclusive representative”

- Key Elements
 - Formality
 - Subject Matter
- Formal discussions
 - Advance notice
 - Reasonable opportunity to attend
- Examinations - *Weingarten*
 - Must satisfy three tests
 - *Investigation*
 - *Reasonable believe of discipline*
 - *Employee asks for a representative*

End of Unit I

- **Questions?**
 - **The Statute**
 - **The Authority**
 - **The Rights of the Parties**